

## EXHIBIT 2 (PART 2 OF 3)

1201 Third Avenue, Suite 4900  
Seattle, Washington 98101  
PHONE: 206.359.8000

EMAIL: clientacct@perkinscoie.com  
ACCOUNTING: 206.359.3143  
FAX: 206.359.9000

**PERKINScoie**

Cryptonomos PTE. Ltd.  
Attn: Katarina Grant  
5002 Beach Road  
#08-08 Golden Mile Complex  
Singapore 199588  
SINGAPORE

INVOICE # 5695886	BILL DATE August 31, 2017
ACCOUNT # 125152.0001	DUE DATE September 30, 2017

Matter Number / Name 125152.0001 / General Corporate

TOTAL FOR SERVICES: \$23,720.00	TOTAL FOR DISBURSEMENTS AND OTHER SERVICES: \$0.00	TOTAL FOR LATE CHARGES:	<b>TOTAL DUE THIS INVOICE:</b> <b>\$23,720.00</b>
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*Payment due in U.S. Currency*

INFORMATION MAY BE SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

TAX ID#: 91-0591206

For CHECK REMITTANCE make checks payable to

**Perkins Coie LLP**  
**Attn: Client Accounting**  
**PO Box 24643**  
**Seattle, WA 98124-0643**  
**Please reference:**  
**Perkins Coie Account No. 125152 and Invoice 5695886**

For WIRE REMITTANCE please direct to

**Perkins Coie LLP**  
**US Bank**  
**Bank ABA # 125000105**  
**Account # 1 535 5592 1235**  
**Swift Code # US BK US 441 MT**  
**Please reference:**  
**Perkins Coie Account No. 125152 and Invoice 5695886**

After 30 days, a monthly late charge of 1% per month from the invoice date (or such lower rate as required by applicable law) will be due. Should a collection action or proceeding be necessary, attorneys' fees and costs for such collection effort will also be due.

**Exhibit D**

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INVOICE #: 5695886  
 Cryptonomos PTE, Ltd.  
 125152.0001 / General Corporate

## FOR SERVICES THROUGH 07/31/17

DATE	ATTORNEY/ASSISTANT	HOURS	DESCRIPTION OF SERVICES
03/10/17	R. Mahon	1.90	Telephone conference with L. Ness regarding Washington state tax issues related to Giga Watt structure; email to L. Ness regarding state tax issues;
05/03/17	L. Ness	0.25	Attention to GigaWatt token sale escrow account set up; emails with Katrina regarding same; internal discussions regarding same;
05/11/17	L. Ness	0.25	Attention to GigaWatt marketing materials and emails with Katrina regarding same;
05/15/17	L. Ness	1.50	Attention to GigaWatt token sale; internal discussions regarding same;
05/16/17	R. Mahon	0.40	Review revised structure; email exchange regarding same;
05/16/17	B. Smith	0.20	Review structure charge; draft email regarding same;
05/17/17	M. Sandoval	0.40	Initial analysis of proposed corporate structure;
05/17/17	L. Ness	1.25	Attention to GigaWatt token sale materials; review and comment on same; internal discussions regarding same;
05/17/17	R. Mahon	1.60	Telephone conference with M. Sandoval regarding limited liability issues associated with proposed structure; analyze state tax issues in revised proposed structure; telephone conference with K. Grant regarding same;
05/17/17	D. Syracuse	2.00	Review white paper, token sale agreement;
05/18/17	M. Sandoval	0.80	Telephone conference with K. Grant regarding proposed corporate structure;
05/19/17	D. Syracuse	5.20	Review white paper and token sale agreement; telephone conference with K. Grant with respect to token sale agreement;
05/25/17	L. Ness	0.25	Attention to GigaWatt token sale; emails with Katrina regarding same;
05/30/17	M. Sandoval	0.30	Correspondence with K. Grant regarding formation and governance matters;
06/05/17	L. Ness	1.50	Attention to GigaWatt escrow account issues; internal discussions regarding same; emails with Cryptonomos team regarding same;
06/06/17	M. Sandoval	0.40	Begin drafting subsidiary documentation;
06/07/17	M. Sandoval	3.70	Draft Giga Watt Holdings LLC Agreement and trade name license; email correspondence with client regarding same;
06/13/17	L. Ness	2.50	Attention to escrow account for GigaWatt; internal discussions regarding same; emails with Cryptonomos regarding same;
07/25/17	M. Sandoval	0.30	Prepare for client meeting;

PERKINScoie

INVOICE #: 5695886

Cryptonomos PTE, Ltd.

125152.0001 / General Corporate

DATE	ATTORNEY/ASSISTANT	HOURS	DESCRIPTION OF SERVICES
07/26/17	M. Sandoval	2.70	Conference with client; copy white board notes from meeting;
07/27/17	M. Sandoval	0.90	Draft and send client meeting notes to client legal team and outline next steps;
TOTAL		HOURS 28.30	

SERVICES

\$23,720.00

TOTAL DUE THIS INVOICE

**\$23,720.00**

## ACCOUNTS RECEIVABLE AGING INFORMATION

	0 - 30	31 - 60	61 - 90	91 - 120	121+	TOTAL
Fees:	\$23,720.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,720.00
Disbursements and Other Charges:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Late Charges:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total:	\$23,720.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,720.00

The Accounts Receivable Total may not include all late charges on outstanding invoices. Late charges accrue based on the terms of your Letter of Engagement.

Exhibit D Page 3

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**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Wed, 26 Jul 2017 02:49:00 +0000  
**To:** "lm@cryptonomos.com" <lm@cryptonomos.com>  
**Subject:** Fwd: letter to Dave

Dave,

I saw an exchange of emails between Tim, you and your team. Looks like there is a kind of misunderstanding between you and him. But I still can't understand why you don't want to accept his approach.

Would you mind telling me how you see the situation from your perspective? As far as I understand, there is nothing unusual in Tim's queries. Speaking of the deadlines that he has set - they seem to be pretty realistic. Not to mention the fact that it should have been Mike who was supposed to discuss his own deadlines, just because he is subordinate to Tim. What's wrong with Mike and Sinden? Why do they ignore Tim's emails and remain silent? None of you even answered his question about time and location for tomorrow's meeting with Perkins Coie. You don't want him to attend this meeting?

He does really want to help us out, and I thought you'd been interested in that too. But it appears that someone deliberately keeps Tim in the dark. He can't perform his duties without getting access to the information and documents that he's requested. I believe that if a CFO is of the opinion that he needs to rebuild the financials, he is acting in the best interest of the company.

When you asked me to remove Alexandr, saying that you would find someone who could help us sort things out, I agreed to that. And where are we now? We haven't moved forward since then.

But my point isn't about how you or somebody else should communicate within the company. My point is that none of the shareholders is aware of what is going on in the company. We can only see the company spend money on something without an explicit budget.

Regarding the spreadsheet that you sent over today - I didn't find any information about \$1.3M received from Circle in May-June, neither can I see BTC current balance. ETH tab was left blank.

I think it would be really hard for any CFO to tie up loose ends without getting assistance from the personnel.

I really need you to provide Tim with all resources and information for him to be able to do his job. If he doesn't attend this meeting tomorrow, I will consider your actions to be against the company. And we will definitely need to have a serious talk.

Exhibit D

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**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Wed, 26 Jul 2017 03:09:53 +0000  
**To:** "lm@cryptonomos.com" <lm@cryptonomos.com>; "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Re: letter to Dave

Dave,

I saw an exchange of emails between Tim, you and your team. Looks like there is a kind of misunderstanding between you and him. But I still can't understand why you don't want to accept his approach.

Would you mind telling me how you see the situation from your perspective? As far as I understand, there is nothing unusual in Tim's queries. Speaking of the deadlines that he has set - they seem to be pretty realistic. Not to mention the fact that it should have been Mike who was supposed to discuss his own deadlines, just because he is subordinate to Tim. What's wrong with Mike and Sinden? Why do they ignore Tim's emails and remain silent? None of you even answered his question about time and location for tomorrow's meeting with Perkins Coie. You don't want him to attend this meeting?

He does really want to help us out, and I thought you'd been interested in that too. But it appears that someone deliberately keeps Tim in the dark. He can't perform his duties without getting access to the information and documents that he's requested. I believe that if a CFO is of the opinion that he needs to rebuild the financials, he is acting in the best interest of the company.

But my point isn't about how you or somebody else should communicate within the company. My point is that none of the shareholders is aware of what is going on in the company. We can only see the company spend money on something without an explicit budget.

When you asked me to remove Alexandr, telling that in a month you would find someone who could help us sort things out, I agreed to that. And where are we now? We haven't moved forward since then. As of today we still have no idea what's going on in yours and Hayden's wallets.

Regarding the spreadsheet that you sent over today - I didn't find any information about \$1.3M received from Circle in May-June, neither can I see BTC current balance. ETH tab was left blank.

I think it would be really hard for any CFO to tie up loose ends without getting assistance from the personnel.

I really need you to provide Tim with all resources and information for him to be able to do his job. Also if he doesn't attend tomorrow's meeting, I will consider your actions as blocking shareholders from getting any access to the company's financial information.

I hope you will understand me correctly.

On Tue, Jul 25, 2017 at 7:49 PM, Timur Usmanov <tu@giga-watt.com> wrote:

Dave,

I saw an exchange of emails between Tim, you and your team. Looks like there is a kind of misunderstanding between you and him. But I still can't understand why you don't want to accept his approach.

Would you mind telling me how you see the situation from your perspective? As far as I understand, there is nothing unusual in Tim's queries. Speaking of the deadlines that he has set - they seem to be pretty realistic. Not to mention the fact that it should have been Mike who was supposed to discuss his own deadlines, just because he is subordinate to Tim. What's wrong with Mike and Sinden? Why do they ignore Tim's emails and remain silent? None of you even answered his question about time and location for tomorrow's meeting with Perkins Coie. You don't want him to attend this meeting?

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Exhibit D

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I think it would be really hard for any CFO to tie up loose ends without getting assistance from the personnel.

I really need you to provide Tim with all resources and information for him to be able to do his job. If he doesn't attend this meeting tomorrow, I will consider your actions to be against the company. And we will definitely need to have a serious talk.

--

Best,

Tim Usmanov

Exhibit D

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**From:** "Leonid Markin" <lm@cryptonomos.com>  
**Sent:** Fri, 28 Jul 2017 22:35:43 +0000  
**To:** "Dave Carlson" <dave@giga-watt.com>  
**Cc:** "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Re: follow up

Hi Dave,

I saw the exchange of emails between you and Tim. Don't take it too literally. Looks like Tim just returned the favour after you expressly wrote that you'd expected him to move to his next project, meaning you didn't consider him to be our permanent CFO. Having read your email he just had to reciprocate. So I think you guys were both overhasty.

Dave, I want to make it clear. You are our CEO, and Tim is our CFO. I'm sure that Tim is doing everything in the best interest of the company. Among other things, this is up to CFO to decide how to run financial affairs. Finally, it was the shareholders who put him in charge of clearing up the financials, and I don't really understand why you don't want to collaborate. Neither do I understand why Mike and Sinden remain silent and don't respond to Tim's emails. Guys, you didn't even email him back on his request to provide the precise time and location for the meeting with Perkins Coie. I'm really upset about that. Tim should have been there.

Dave, I hope that you reconsider your attitude and talk to Mike and Sinden and whoever else you think might be useful and supportive with regard to disclosing and providing the requested information/documentation.

Regards

2017-07-25 20:49 GMT-07:00 Dave Carlson <dave@giga-watt.com>:

"Maybe the guys will convene an extraordinary meeting to appoint CFO and CEO."

This was a wierd thing to say - can you guys give me a comment on what Tim is referring to?

Thanks

On Tue, Jul 25, 2017 at 3:39 PM, Timur Usmanov <tu@giga-watt.com> wrote:

If this is an actual CPA, we sure can have an outsourced one.

As far as the company's financial affairs are concerned, let's leave it up to Andrey and Leo to decide who is going to handle that. Maybe the guys will convene an extraordinary meeting to appoint CFO and CEO.

On Tue, Jul 25, 2017 at 12:50 PM, Dave Carlson <dave@giga-watt.com> wrote:

Beth was helping us as a local service provider when we were a very small business. Her role was always meant to transition to a dedicated CPA, once we could afford it. Obviously that time is now.

Exhibit D

**From:** "Sinden Harum" <sinden@giga-watt.com>  
**Sent:** Sat, 5 Aug 2017 00:03:06 +0000  
**To:** "Sandoval, Martha D. (Perkins Coie)" <MSandoval@perkinscoie.com>  
**Cc:** "Timur Usmanov" <tu@giga-watt.com>; "Sinden Harum" <sinden@giga-watt.com>; "Dave Carlson" <dave@giga-watt.com>  
**Subject:** Introduction

Good Evening all,

Martha, please meet Giga Watt CFO, Timur Usmanov,(copied). Along with David Carlson, Timur will be in communication and assisting with the process of reviewing and refining our corporate structure.

Best,

~Sinden

--  
Sinden Harum  
Executive Manager  
Giga Watt, Inc.



Exhibit D



**From:** "Sandoval, Martha D. (Perkins Coie)" <MSandoval@perkinscoie.com>  
**Sent:** Mon, 7 Aug 2017 21:46:04 +0000  
**To:** "Sinden Harum" <sinden@giga-watt.com>; "Dave Carlson" <dave@giga-watt.com>  
**Subject:** RE: Intro

Sinden and Dave,

It was a pleasure meeting the two of you the week before last. I followed up with my colleagues who have worked on Giga Watt / Cryptonomos matters prior to my involvement and can confirm that we were not involved in the incorporation of Giga Watt, Inc. or Pte. Ltd nor in organizational structure conversations/decisions. As I mentioned in our meeting, our involvement began with questions regarding separation of liability between the entities.

If the desire is for Perkins to take on the role of corporate counsel for the affiliated entities, we will need to have the charter documents for the entities, this includes:

- Giga Watt Pte. Ltd:
  - Articles of incorporation (or the Singapore equivalent)
  - Bylaws (or the Singapore equivalent)
  - Shareholders Agreement
  - Capitalization table
- Giga Watt, Inc.
  - Articles of incorporation
  - Bylaws
  - Shareholders Agreement
- Giga Watt Hosting, LLC
  - Executed LLC Agreement (we drafted this agreement, but I don't know if it was signed)

In addition, if the agreement between GW Inc and GW Hosting and the form of hosting services agreement have been drafted, please provide those as well. We can certainly comment on these; however, I am primarily asking so we have in our records in case questions come up in the future.

Cheers,

Martha

**Martha Sandoval | Perkins Coie LLP**  
PARTNER  
PHONE: 206.359.6244  
FAX: 206.359.7244  
[MSandoval@perkinscoie.com](mailto:MSandoval@perkinscoie.com)

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**From:** Sinden Harum [mailto:sinden@giga-watt.com]  
**Sent:** Thursday, June 29, 2017 3:30 PM  
**To:** katrina

Exhibit D

**From:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Sent:** Mon, 7 Aug 2017 22:18:23 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>  
**Cc:** "Cabou, Jean-Jacques 'J'" (Perkins Coie) <JCabou@perkinscoie.com>  
**Subject:** RE: need your advice

Hey Tim,

Looping in my partner J to help sort this out. He's the right guy to help if turns out to be legit, but I doubt it is. J, does this look legit to you?

**Lowell Ness | Perkins Coie LLP**

PARTNER  
3150 Porter Drive  
Palo Alto, CA 94304-1212  
O: +1.650.838.4317  
C: +1.650.868.3208  
E: [LNess@perkinscoie.com](mailto:LNess@perkinscoie.com)

[Bio](#) | [Blog](#) | [Startup Percolator](#)

**From:** Timur Usmanov [mailto:[tu@giga-watt.com](mailto:tu@giga-watt.com)]  
**Sent:** Monday, August 07, 2017 3:09 PM  
**To:** Ness, Lowell D. (PAO) <LNess@perkinscoie.com>  
**Subject:** need your advice

Hi Lowell,

My name is Tim, I'm the CFO at Giga Watt, Inc. Katrina referred to you as a main contact person who I could speak with on all our legal matters.

Several days ago we received an email supposedly sent by the U.S. Secret Service, asking us to share some sensitive information.

Please find below a copy of this email.

My main concern is that i) the email was sent to our "[support@...](mailto:support@...)" mail box, ii) the alleged USSS officer provided their cell number, iii) this so-called request is titled as "USSS Request" as if it was an official request, whereas there is no reference to a case number or any other reference that would make the request official, iv) the sender has put some other persons in CC, as though the request had been handled by a group of officers and hadn't been assigned to one particular officer.

In other words, this request looks more like a scam.

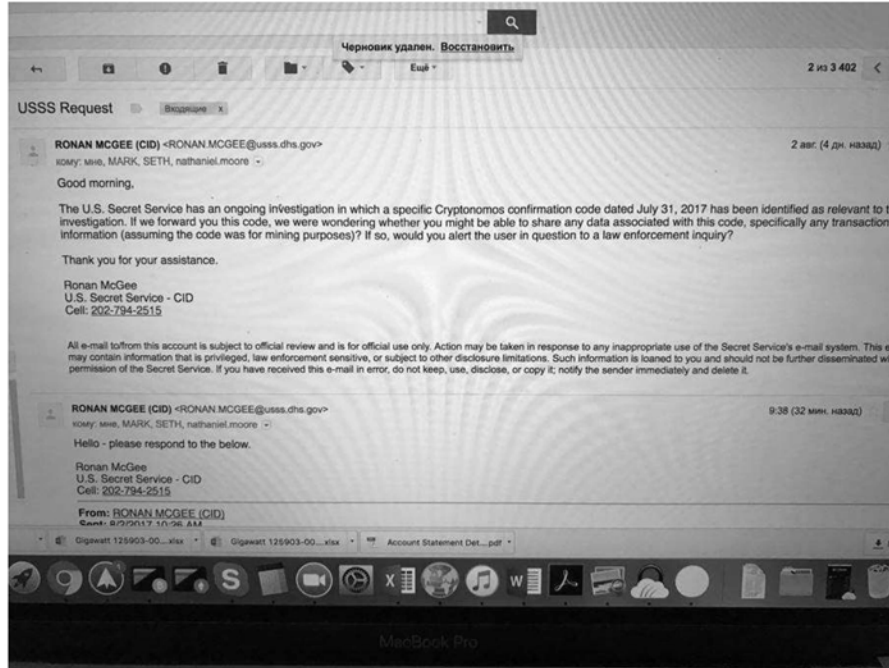
Having said that, I would like to ask for your professional opinion to be on the safe side. Please let us know if there is anything in that email that you think might require any further action from our side or we can just disregard that.

Exhibit D

Looking forward to your prompt response.

Thanks and best regards,

Tim



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Best,

Tim Usmanov

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Exhibit D

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**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Mon, 7 Aug 2017 23:17:34 +0000  
**To:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Subject:** Re: need your advice

Agree with you. Would be great if you gave them a call on our behalf. Your voice will sound more persuasive. At least you will find the right questions to ask.

Thank you

On Mon, Aug 7, 2017 at 3:31 PM, Cabou, Jean-Jacques "J" (Perkins Coie) <JCabou@perkinscoie.com> wrote:

I share your skepticism but it also bears some indicia of legitimacy to me. I'd be happy to return the call if you'd like; otherwise there's no harm in returning the call and saying you are trying to confirm the legitimacy of the request before consulting with counsel about providing any information. Don't give anything up yet; see what the guy says

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

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**From:** Ness, Lowell D. (PAO)  
**Sent:** Monday, August 07, 2017 3:18 PM  
**To:** Timur Usmanov  
**Cc:** Cabou, Jean-Jacques "J" (PHX)  
**Subject:** RE: need your advice

Hey Tim,

Looping in my partner J to help sort this out. He's the right guy to help if turns out to be legit, but I doubt it is. J, does this look legit to you?

Exhibit D

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8003

F. +1.602.648.7003

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

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**From:** RONAN MCGEE (CID) [<mailto:RONAN.MCGEE@USSS.DHS.GOV>]

**Sent:** Tuesday, August 08, 2017 8:19 AM

**To:** Ness, Lowell D. (PAO) <[L.Ness@perkinscoie.com](mailto:L.Ness@perkinscoie.com)>

**Cc:** MARK COLEMAN (LEX) <[mark.coleman@uss.s.dhs.gov](mailto:mark.coleman@uss.s.dhs.gov)>; SETH REISTER (LEX)

<[seth.reister@uss.s.dhs.gov](mailto:seth.reister@uss.s.dhs.gov)>; [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)

**Subject:** Secret Service Request

Good morning Lowell,

The U.S. Secret Service has an ongoing investigation in which a suspect's phone received a confirmation code from Cryptonomos. We believe the confirmation code to be related to the mining operations of the Cryptonomos / Giga Watt venture. We are interested in obtaining any and all information Cryptonomos / Giga Watt maintains on file for this specific phone number, particularly any bitcoin addresses.

We have attempted to contacted Cryptonomos directly multiple times, but they have thus far failed to respond to our inquiries. Our understanding is that you are the legal representative of Giga Watt.

As a result, could you please provide the appropriate Grand Jury subpoena contact information (e.g. physical address to include on the subpoena, email to which subpoena can be served, etc) for Cryptonomos / Giga Watt so that we may subpoena the information in question?

Thank you.

Ronan McGee

U.S. Secret Service – CID

Cell: 202-794-2515

All e-mail to/from this account is subject to official review and is for official use only. Action may be taken in response to any inappropriate use of the Secret Service's e-mail system. This e-mail may contain information that is privileged, law enforcement sensitive, or subject to other disclosure limitations. Such information is loaned to you and should not be further disseminated without the permission of the Secret Service. If you have received this e-mail in error, do not keep, use, disclose, or copy it; notify the sender immediately and delete it.

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

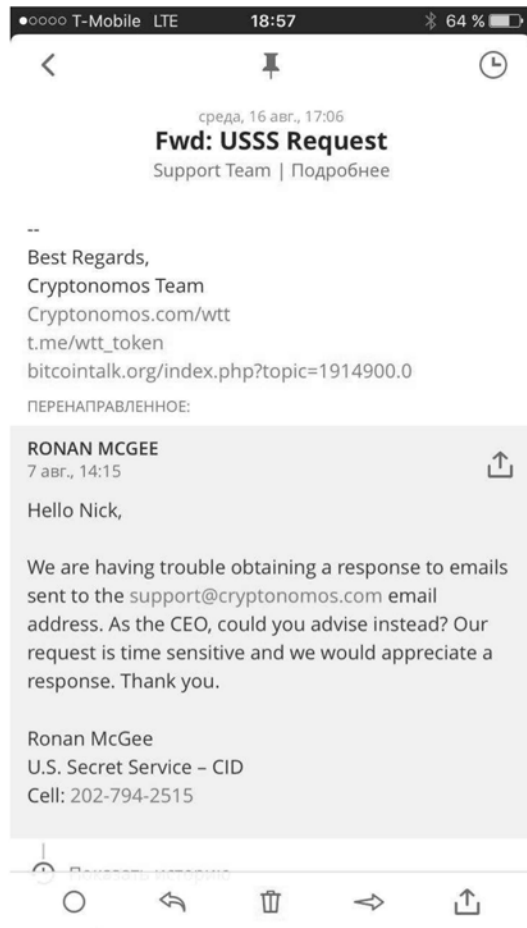
Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Thu, 17 Aug 2017 02:02:09 +0000  
**To:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>  
**Subject:** Re: Action Item re -- RE: Secret Service Request

Jean,

Have you received any feedback from the USSS by any chance?  
Here is another message from them on that matter.



On Thu, Aug 10, 2017 at 12:18 PM, Timur Usmanov <tu@giga-watt.com> wrote:  
Hi guys,

any feedback from the USSS?  
Did the send over the subpoena?

Thanks

On Wed, Aug 9, 2017 at 9:54 AM, Timur Usmanov <tu@giga-watt.com> wrote:

Exhibit D

Hi Jean-Jacques,

Thanks for your message.

Confirm. I agree that we don't have to disclose the subpoena to the user.

By the way, did the USSS mention who that person in question was?

Thanks

On Tue, Aug 8, 2017 at 3:05 PM, Cabou, Jean-Jacques "J" (Perkins Coie)  
<[JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)> wrote:

Guys,

It would be very helpful in my opinion to have Tim confirm with me today that we will not reveal the subpoena to the user.

Thanks

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

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**From:** Cabou, Jean-Jacques "J" (PHX)  
**Sent:** Tuesday, August 08, 2017 9:25 AM  
**To:** Ness, Lowell D. (PAO); Timur Usmanov ([tu@giga-watt.com](mailto:tu@giga-watt.com))  
**Subject:** RE: Secret Service Request

Follow up:

Exhibit D

I have now read the Terms of Use and the Privacy Policy at <https://cryptonomos.com/policy>. It clearly allows us to respond to a subpoena without revealing it to the user; I recommend we confirm to the USSS that we will not disclose the subpoena to the user.

Please confirm this is ok with you.

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

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**From:** Cabou, Jean-Jacques "J" (PHX)  
**Sent:** Tuesday, August 08, 2017 9:20 AM  
**To:** Ness, Lowell D. (PAO); Timur Usmanov ([tu@giga-watt.com](mailto:tu@giga-watt.com))  
**Subject:** FW: Secret Service Request

Lowell and Tim,

I spoke just now with Ronan McGee, an intelligence analyst for the USSS. He confirmed this was a legit request and will be sending a subpoena from the US District Court in Kentucky for the records they want. I have asked that the subpoena be directed to me, as you can see below. McGee confirmed that GW is just a holder of information here, not a target or subject of the investigation.

So the play here is for us to be cooperative as long as possible, see what they want, and then get it to them if we have it. One thing I'd like to do is to review whatever agreement(s) or terms we would have with the individual in question to ensure that we have no self-imposed obligation to notify them of the subpoena.

Exhibit D

Obviously I'd be happy to talk about any of this at your convenience.

Best

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

---

**From:** Cabou, Jean-Jacques "J" (PHX)

**Sent:** Tuesday, August 08, 2017 9:16 AM

**To:** [RONAN.MCGEE@USSS.DHS.GOV](mailto:RONAN.MCGEE@USSS.DHS.GOV)

**Cc:** Ness, Lowell D. (PAO); [mark.coleman@uss.s.dhs.gov](mailto:mark.coleman@uss.s.dhs.gov); [seth.reister@uss.s.dhs.gov](mailto:seth.reister@uss.s.dhs.gov); [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)

**Subject:** RE: Secret Service Request

Ronan and Team,

It was a pleasure to speak with Ronan briefly just now regarding this email that was directed to my partner, Lowell Ness, who is also copied here. As I explained to Ronan, our firm represents Giga Watt and I can accept service of a subpoena by email on its behalf. Please just send that to me.

We understand that the USSS and state authorities have reason to believe Giga Watt may hold certain records relevant to your investigation. Once we get the subpoena, we will work with the client to determine what if any responsive records we have and to produce them to you in a timely and convenient way.

Exhibit D

Please let me know if you have any questions.

We look forward to working with you.

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2801 North Central Avenue Suite 2000

Phoenix, AZ 85012-2786

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

**From:** RONAN MCGEE (CID) [<mailto:RONAN.MCGEE@USSS.DHS.GOV>]

**Sent:** Tuesday, August 08, 2017 8:19 AM

**To:** Ness, Lowell D. (PAO) <[LNess@perkinscoie.com](mailto:LNess@perkinscoie.com)>

**Cc:** MARK COLEMAN (LEX) <[mark.coleman@uss.s.dhs.gov](mailto:mark.coleman@uss.s.dhs.gov)>; SETH REISTER (LEX) <[seth.reister@uss.s.dhs.gov](mailto:seth.reister@uss.s.dhs.gov)>; [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)

**Subject:** Secret Service Request

Good morning Lowell,

The U.S. Secret Service has an ongoing investigation in which a suspect's phone received a confirmation code from Cryptonomos. We believe the confirmation code to be related to the mining operations of the Cryptonomos / Giga Watt venture. We are interested in obtaining any and all information Cryptonomos / Giga Watt maintains on file for this specific phone number, particularly any bitcoin addresses.

We have attempted to contacted Cryptonomos directly multiple times, but they have thus far failed to respond to our inquiries. Our understanding is that you are the legal representative of Giga Watt.

Exhibit D



As a result, could you please provide the appropriate Grand Jury subpoena contact information (e.g. physical address to include on the subpoena, email to which subpoena can be served, etc) for Cryptonomos / Giga Watt so that we may subpoena the information in question?

Thank you.

Ronan McGee

U.S. Secret Service – CID

Cell: 202-794-2515

All e-mail to/from this account is subject to official review and is for official use only. Action may be taken in response to any inappropriate use of the Secret Service's e-mail system. This e-mail may contain information that is privileged, law enforcement sensitive, or subject to other disclosure limitations. Such information is loaned to you and should not be further disseminated without the permission of the Secret Service. If you have received this e-mail in error, do not keep, use, disclose, or copy it; notify the sender immediately and delete it.

---

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Best,

Tim Umanov

Best,

Exhibit D

**From:** "Andrey Kuzenny" <ak@giga-watt.com>  
**Sent:** Wed, 9 Aug 2017 20:35:26 +0000  
**To:** "Al Mafia" <pumba0208@hotmail.com>  
**Subject:** Re: Copy of general Ledger for trust account  
**Attachments:** Gigawatt 125903-0001 (25).xlsx

Саша привет,  
Наши юристы в панике от твоего адреса письма. Честно.  
Ты знаешь как тут в Америке относятся к слову мафия((  
Давай я лучше сам буду тебе присылать от них доки.

On 9 авг. 2017 г., 10:57 -0700, Al Mafia <pumba0208@hotmail.com>, wrote:

William,

Greetings.

Per our earlier conversation I am requesting a copy of the general ledger for GiggaWatt PTE, LTD. escrow account.

I have cc'd Andrey Kuzenny in this email for confirmation.

Looking forward to hearing back from you.

Regards,

Al

Exhibit D

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TRANSLATION OF MARKED EXCERPT

Sasha greetings,

Our lawyers are in a panic from the address of your letter. Honestly.  
You know how here in America they relate to the word mafia ((  
Come on, it's better, I will send you documents from them myself.

Exhibit D

D - 38

**From:** "Dave Carlson" <dave@giga-watt.com>  
**Sent:** Tue, 8 Aug 2017 16:13:38 +0000  
**To:** "Sandoval, Martha D. (Perkins Coie)" <MSandoval@perkinscoie.com>  
**Cc:** "Sinden Harum" <sinden@giga-watt.com>; "Timur Usmanov" <tu@giga-watt.com>; "ek@cryptonomos.com" <ek@cryptonomos.com>; "Leonid Markin" <lm@cryptonomos.com>; "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Re: Intro

Thanks for the clarity Martha.

Ed - we met with Perkins week before last and did a project orientation checkup with Martha. I wasn't clear what Perkins had been involved with versus the guidance given by Katrina.

Its clear that at this point that the corp structure (Giga.sg and Giga.us) and their relationship were defined by Katrina with perhaps some input by Perkins, but not at their specific direction.

I think we need to determine if we are comfortable with our current arrangement, or do we want Perkins to dig into how we are doing business and what the entity structure consists of. Further, we may need Perkins to evaluate whether the legal protection and tax/revenue strategies implied by this corp structure are effective and achieve our goals.

We've built a lot of business based on the structure Katrina defined, and perhaps you guys are familiar and comfortable with it - I'm asking you for your feedback on whether to engage Perkins to audit our structure and build us a robust plan going forward. At this point I think its fair to say that Perkins knows \*very little\* about our business, with the exception of the two entities and a proposed third entity (Hosting).

Your thoughts?

Thanks!  
Dave

On Mon, Aug 7, 2017 at 2:46 PM, Sandoval, Martha D. (Perkins Coie) <MSandoval@perkinscoie.com> wrote:

Sinden and Dave,

It was a pleasure meeting the two of you the week before last. I followed up with my colleagues who have worked on Giga Watt / Cryptonomos matters prior to my involvement and can confirm that we were not involved in the incorporation of Giga Watt, Inc. or Pte. Ltd nor in organizational structure conversations/decisions. As I mentioned in our meeting, our involvement began with questions regarding separation of liability between the entities.

Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Wed, 9 Aug 2017 21:34:52 +0000  
**To:** "Dave Carlson" <dave@giga-watt.com>  
**Cc:** "Sandoval, Martha D. (Perkins Coie)" <MSandoval@perkinscoie.com>; "Sinden Harum" <sinden@giga-watt.com>; "ek@cryptonomos.com" <ek@cryptonomos.com>; "Leonid Markin" <lm@cryptonomos.com>; "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Re: Intro  
**Attachments:** Application for org.pdf, Articles of Inc.pdf, Bylaws.pdf, Cert of Existence.pdf, COI Giga Watt.pdf

Dear all,

I totally agree with Dave. We would need to ask Perkins Coie to audit our structure and provide advice and assistance.

Martha didn't mention GW One LLC as a company that is also under our umbrella. Apparently, we would have to set up a call and talk through the entire group and bring Martha up to speed on our M&A plans. We definitely need a legal advice on the upcoming merger with Hashplex as there are few things I'm not clear about.

As for the constitutional dox requested by Martha - please find attached some of the documents on Giga Watt, Inc that I've got as of today. As you can see the Articles of Incorporation doesn't contain articles per se, but only a title page.

In view of the above, I suggest that Perkins Coie also reach out to Washington Secretary of State to check with them whether or not the initial filing was complete. Same goes for our Singapore entities. Someone would probably need to request the full batch of documents via the registered agent.

As far as SHA is concerned - I believe this is still being drafted and discussed amongst the shareholders.

Thank you

On Tue, Aug 8, 2017 at 9:13 AM, Dave Carlson <dave@giga-watt.com> wrote:

Thanks for the clarity Martha.

Ed - we met with Perkins week before last and did a project orientation checkup with Martha. I wasn't clear what Perkins had been involved with versus the guidance given by Katrina.

It's clear that at this point that the corp structure (Giga.sg and Giga.us) and their relationship were defined by Katrina with perhaps some input by Perkins, but not at their specific direction.

Exhibit D



**From:** "Marina Mikhaylyuta" <admin@gigawatt.sg>  
**Sent:** Mon, 25 Sep 2017 21:34:50 +0000  
**To:** "KevynLi@ocbc.com" <KevynLi@ocbc.com>  
**Cc:** "angela@aa1solutions.com" <angela@aa1solutions.com>;  
"kate@aa1solutions.com" <kate@aa1solutions.com>  
**Bcc:** "tu@giga-watt.com" <tu@giga-watt.com>  
**Subject:** Gigawatt Pte. Ltd.  
**Attachments:** GigaWatt PTE. LTD Business Model.pdf, Bitmain Overview.docx, Bitmain Sales Agreement.pdf, 3 d USD 1,722,000.00 CryptonomusOrder08-16-19 (1).pdf, Cryptocurrency Sale Agreement (Updated July 2017)-2 (1).pdf, 3e (USD 1,655,871.02 part of total 2,555,871.02) INVOICE#PI0012017080306007 Giga Watt 1500 units of D3.pdf, 3e (USD 60,000.00 part of total 1,266,831.25) INVOICE#PI0012017080700050 Giga Watt 1000 units of S9.pdf, 3b\_125903 Account Balance-1.pdf, 3b\_USD 5,400,000.00 INSTRUCTION TO RELEASE ESCROW FUNDS (1).pdf, 3a\_GigaWatt\_Pte\_Ltd\_-\_Perkins\_Engagement\_Lette.pdf, 2 busines model wp.pdf

Dear Kevyn Li,

Thank you for your cooperation, please find attached the supporting documents as per your request as well as our comments below:

1. Nature of business of company and business activity.

Gigawatt : The Company Activities is Web Hosting and Other Hosting Services (63111), renting and leasing of other personal goods, electronic equipment for household. Please find attached the Bizfile - attachment Doc 1. The Doc. GigaWatt Business Model is attached.

2. Corporate structure, business model and estimated annual turnover.

Gigawatt :The Company structure is one shareholder with the Issued and paid-Up Capital - SGD 100,000.00; Number of shares 100,000. Please find attached the Doc 2 business model with the detailed description of Business content.

3. Please advise on purpose of payment and relationship with counterparty for the following transactions:

Exhibit D

a. 01/08/2017 USD 1,950,000 (DR)

Gigawatt : Please find attached the Engagement letter – Doc 3a. Transfer to escrow account.

You may find more information about the engaged law firm Perkins Coie LLP below:

<https://www.perkinscoie.com/en/about-us/firm/firm-overview/overview.html>

b. 10/08/2017 USD 5,400,000 (CR)

Gigawatt : The company has completed the presale of IT-related services and facilities, which include hosting, maintenance, repair and private blockchain servicing for customers. In order to ensure AML-compliance solutions and establishment of the legal framework for the group companies' activities, Gigawatt Pte. Ltd. has engaged the international law firm Perkins Coie LLP to act as their legal advisor (letter of engagement attached). Perkins Coie LLP collected the funds received from the presales on their account in USD on the behalf of Gigawatt Pte. Ltd. All funds collected through the presale were deposited in escrow. The Balance confirmation of the funds is attached hereto.

Please find attached the Account Balance supporting document – Doc 3b\_USD 5,400,000.00 and 3b\_125903 Account Balance.

c. 11/08/2017 USD 2,733,549.80 (DR)

GigaWatt: Prepayment for the equipment. Please find attached the invoice – Doc 3c.

d. 17/08/2017 USD 1,721,980 (CR)

GigaWatt: Prepayment for Sales of Equipment, invoice from Circe-exchange has been attached.

e. 17/08/2017 USD 1,715,871.02 (DR)

Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Fri, 22 Sep 2017 04:21:29 +0000  
**To:** "andrey@log77.net" <andrey@log77.net>  
**Subject:** Fwd: OCBC Bank - Gigawa\*\*\*\*\*  
**Attachments:** INSTRUCTION TO RELEASE ESCROW FUNDS.pdf, Cryptocurrency Sale Agreement (Updated July 2017)-2.pdf, CryptonomiousOrder08-16-19.pdf, Bitmain Sales Agreement.pdf, Bitmain Overview.docx, GigaWatt PTE. LTD Business Model.pdf

----- Forwarded message -----

**From:** Timur Usmanov <tu@giga-watt.com>  
**Date:** 2017-09-21 17:30 GMT-07:00  
**Subject:** RE: OCBC Bank - Gigawa\*\*\*\*\*  
**To:** andrey@log77.net

- a. 1950000 - Перечисление денежных средств в компанию -эскроу Perkins Coie согласно соглашению между ними и Gigawatt (соглашение предоставляли ранее(в приложении )

Андрей, спасибо, эта информация уже отправлена в банк. Необходим именно инвойс, так как соглашение не является основанием для оплаты и принятия на учет согласно Сингапурским стандартам. В инвойсе должны быть указаны конкретные работы и ставки по которым инвойс выставлен. Это может быть и предоплата, но с указанием дат для выполнения работ, - Ангела, данная сумма перечислялась в Perkins Coie для escrow. То есть перечисленные средства по-прежнему принадлежат компании Giga Watt Pte. Соответственно, поскольку это не являлось оплатой за оказанные услуги или поставленный товар, инвойс здесь не может использоваться. Иными словами, данную транзакцию скорее можно воспринимать как денежный перевод внутри компании.

- b. 5400000 - Перечисление денежных средств из эскроу (за построенные мощности) согласно соглашению между ними и Gigawatt (соглашение предоставляли ранее (в приложении))

Андрей, спасибо, совершенно верно, данная информация уже имеется в банке, соответственно нужны более подробные детали и срочно, в противном случае счет будет заблокирован. - Компания выпустила 5,4 млн токенов (первый релиз, где 1 токен = \$1). О данном релизе было соответствующим образом объявлено на сайте компании. Таким образом, как только клиенты получили токены, Perkins Coie обязан был освободить эквивалентную сумму и перечислить на счёт компании. Прикладываем копию письма-распоряжения для Perkins Coie с просьбой высвободить соответствующую сумму из эскроу.

- c. 2733549,80 Перечисление за оборудование (инвойс предоставляли ранее (в приложении ) )

Exhibit D

TRANSLATION OF LH 0436192, MARKED EXCERPT

Excerpt #1:

Angela, the given sum [1,950,000] was transferred to Perkins Coie for the escrow. That is, the transferred funds belonged to the company Giga Watt Pte. Accordingly, since it was not payment for services rendered or delivered goods, an invoice here cannot be used. In other words, this given transaction may sooner be thought of as a money transfer within the company.

Exhibit D

Kind regards,

Angela Junkina

+65 84 288 647



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**From:** andrey@log77.net [mailto:andrey@log77.net]

**Sent:** Wednesday, September 20, 2017 08:55

**To:** Angela Junkina <angela@aal solutions.com>

**Subject:** Re: FW: ccRE: OCBC Bank - Gigawa\*\*\*\*\*

Анжела, ответы по суммам:

a. 1950000 - Перечисление денежных средств в компанию -эскроу Perkins Coie согласно соглашению между ними и Gigawatt (соглашение предоставляли ранее(в приложении )

#1



b. 5400000 - Перечисление денежных средств из эскроу (за построенные мощности) согласно соглашению между ними и Gigawatt (соглашение предоставляли ранее (в приложении))

c. 2733549.80 Перечисление за оборудование (инвойс предоставляли ранее (в приложении ) )

d. 1721980 - Выручка от продажи оборудования полученная в результате конвертации криптовалюты (инвойс от Circe -exchange биржа , запросил - пришло)

e. 1715871.02 - частичная оплата за оборудование (\$1,655,871.02 - invoice 12017080306007 + \$60,000.00 invoice 12017080700050) Инвойсы в приложении.

С уважением,

Exhibit D



Translation of LH 0436196, MARKED EXCERPT

Excerpt #1

b. 5400000 - Enumeration of the transfer of funds from the escrow (for built capacity) pursuant to the agreement between them and Gigawatt (the agreement was provided earlier (in an attachment))

Exhibit D

D - 46

**From:** "Marina Mikhaylyuta" <admin@gigawatt.sg>  
**Sent:** Mon, 25 Sep 2017 21:34:50 +0000  
**To:** "KevynLi@ocbc.com" <KevynLi@ocbc.com>  
**Cc:** "angela@aa1solutions.com" <angela@aa1solutions.com>;  
"kate@aa1solutions.com" <kate@aa1solutions.com>  
**Bcc:** "tu@giga-watt.com" <tu@giga-watt.com>  
**Subject:** Gigawatt Pte. Ltd.  
**Attachments:** GigaWatt PTE. LTD Business Model.pdf, Bitmain Overview.docx, Bitmain Sales Agreement.pdf, 3 d USD 1,722,000.00 CryptonomusOrder08-16-19 (1).pdf, Cryptocurrency Sale Agreement (Updated July 2017)-2 (1).pdf, 3e (USD 1,655,871.02 part of total 2,555,871.02) INVOICE#PI0012017080306007 Giga Watt 1500 units of D3.pdf, 3e (USD 60,000.00 part of total 1,266,831.25) INVOICE#PI0012017080700050 Giga Watt 1000 units of S9.pdf, 3b\_125903 Account Balance-1.pdf, 3b\_USD 5,400,000.00 INSTRUCTION TO RELEASE ESCROW FUNDS (1).pdf, 3a\_GigaWatt\_Pte\_Ltd\_-\_Perkins\_Engagement\_Lette.pdf, 2 busines model wp.pdf

Dear Kevyn Li,

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Exhibit D

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<https://www.perkinscoie.com/en/about-us/firm/firm-overview/overview.html>

b. 10/08/2017 USD 5,400,000 (CR)

Gigawatt : The company has completed the presale of IT-related services and facilities, which include hosting, maintenance, repair and private blockchain servicing for customers. In order to ensure AML-compliance solutions and establishment of the legal framework for the group companies' activities, Gigawatt Pte. Ltd. has engaged the international law firm Perkins Coie LLP to act as their legal advisor (letter of engagement attached). Perkins Coie LLP collected the funds received from the presales on their account in USD on the behalf of Gigawatt Pte. Ltd. All funds collected through the presale were deposited in escrow. The Balance confirmation of the funds is attached hereto.

Please find attached the Account Balance supporting document – Doc 3b\_USD 5,400,000.00 and 3b\_125903 Account Balance.

c. 11/08/2017 USD 2,733,549.80 (DR)

GigaWatt: Prepayment for the equipment. Please find attached the invoice – Doc 3c.

d. 17/08/2017 USD 1,721,980 (CR)

GigaWatt: Prepayment for Sales of Equipment, invoice from Circe-exchange has been attached.

e. 17/08/2017 USD 1,715,871.02 (DR)

Exhibit D



GigaWatt: Prepayment for the equipment. Please find attached the invoices – Doc 3e (two invoices).

4. Please provide supporting documents (e.g. contracts, invoices, agreements, bill of lading, etc.) for the transactions above.

GigaWatt: Please find attached the Docs: 3a;3b,3c,3d,3e. Bills of lading will be provided after delivery. According to the agreements all delivery is based on DAP terms (Delivered At Place), so all BL can be provided only after delivery. Doc. Cryptocurrency Sale Agreement is attached. The Doc. Bitman Sales Agreement is attached.

5. Please advise on nature of business of counterparties.

GigaWatt: Bitmain Technologies Limited develops and markets computing chips, server equipment, and parallel computing software. The Doc. Bitman Overview is attached.

6. Please advise on the source of funds of counterparties.

GigaWatt: Business activities.

Please feel free to contact me at +65 6290 8058 for further clarifications.

We look forward to your reply.

Thank you.

Best Regards,

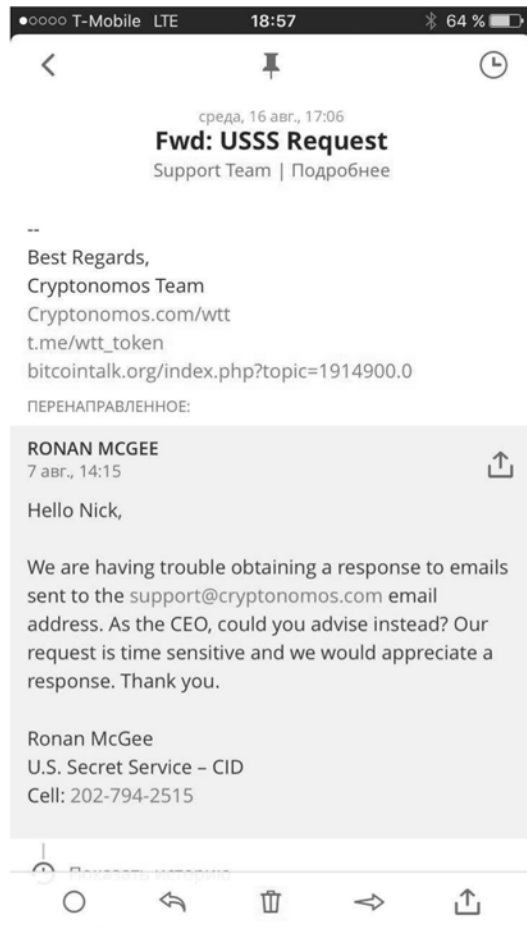
Marina.

Exhibit D

**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Thu, 17 Aug 2017 02:02:09 +0000  
**To:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>  
**Subject:** Re: Action Item re -- RE: Secret Service Request

Jean,

Have you received any feedback from the USSS by any chance?  
Here is another message from them on that matter.



On Thu, Aug 10, 2017 at 12:18 PM, Timur Usmanov <tu@giga-watt.com> wrote:  
Hi guys,

any feedback from the USSS?  
Did the send over the subpoena?

Thanks

On Wed, Aug 9, 2017 at 9:54 AM, Timur Usmanov <tu@giga-watt.com> wrote:

Exhibit D

**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Thu, 17 Aug 2017 21:01:29 +0000  
**To:** "Leonid Markin" <lm@cryptonomos.com>; "ek@cryptonomos.com" <ek@cryptonomos.com>; "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Fwd: Action Item re -- RE: Secret Service Request

FYI

----- Forwarded message -----

**From:** Cabou, Jean-Jacques "J" (Perkins Coie) <JCabou@perkinscoie.com>  
**Date:** Thu, Aug 17, 2017 at 12:53 PM  
**Subject:** RE: Action Item re -- RE: Secret Service Request  
**To:** Timur Usmanov <tu@giga-watt.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>

Tim,

Thanks for your note. To be clear, I have an open line of communication with the USSS but I have NOT shared or discussed any substance at all with them. I have simply said we want to assist and will accept service of a subpoena to me by email.

They have confirmed they are still obtaining the subpoena and will be in further touch.

Nothing to do for now at all.

Best

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2785

D. +1.602.351.8003

Exhibit D

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F: +1.602.648.7003

E: [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

**From:** Timur Usmanov [mailto:[tu@giga-watt.com](mailto:tu@giga-watt.com)]  
**Sent:** Thursday, August 17, 2017 11:19 AM  
**To:** Cabou, Jean-Jacques "J" (PHX)  
**Subject:** Re: Action Item re -- RE: Secret Service Request

Thanks.

Could you provide some more information of what you are discussing with them? Would you also share that subpoena with us, please? Any steps from our end required?

On Wed, Aug 16, 2017 at 7:09 PM, Cabou, Jean-Jacques "J" (Perkins Coie) <[JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)> wrote:

That seems to be an old message. I am in touch with them as recently of yesterday.

On Aug 16, 2017, at 7:02 PM, Timur Usmanov <[tu@giga-watt.com](mailto:tu@giga-watt.com)> wrote:

Jean,

Have you received any feedback from the USSS by any chance?

Here is another message from them on that matter.

<photo\_2017-08-16\_18-55-19.jpg>

On Thu, Aug 10, 2017 at 12:18 PM, Timur Usmanov <[tu@giga-watt.com](mailto:tu@giga-watt.com)> wrote:

Hi guys,

Exhibit D

any feedback from the USSS?  
Did the send over the subpoena?

Thanks

On Wed, Aug 9, 2017 at 9:54 AM, Timur Usmanov <[tu@giga-watt.com](mailto:tu@giga-watt.com)> wrote:

Hi Jean-Jacques,

Thanks for your message.

Confirm. I agree that we don't have to disclose the subpoena to the user.

By the way, did the USSS mention who that person in question was?

Thanks

On Tue, Aug 8, 2017 at 3:05 PM, Cabou, Jean-Jacques "J" (Perkins Coie) <[JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)> wrote:

Guys,

It would be very helpful in my opinion to have Tim confirm with me today that we will not reveal the subpoena to the user.

Thanks

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

Exhibit D

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8003

F. +1.602.648.7003

E. JCabou@perkinscoie.com

---

**From:** Cabou, Jean-Jacques "J" (PHX)

**Sent:** Tuesday, August 08, 2017 9:25 AM

**To:** Ness, Lowell D. (PAO); Timur Usmanov (tu@giga-watt.com)

**Subject:** RE: Secret Service Request

Follow up:

I have now read the Terms of Use and the Privacy Policy at <https://cryptonomos.com/policy>. It clearly allows us to respond to a subpoena without revealing it to the user; I recommend we confirm to the USSS that we will not disclose the subpoena to the user.

Please confirm this is ok with you.

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8003

F. +1.602.648.7003

E. JCabou@perkinscoie.com

Exhibit D



---

**From:** Cabou, Jean-Jacques "J" (PHX)  
**Sent:** Tuesday, August 08, 2017 9:20 AM  
**To:** Ness, Lowell D. (PAO); Timur Usmanov ([tu@giga-watt.com](mailto:tu@giga-watt.com))  
**Subject:** FW: Secret Service Request

Lowell and Tim,

I spoke just now with Ronan McGee, an intelligence analyst for the USSS. He confirmed this was a legit request and will be sending a subpoena from the US District Court in Kentucky for the records they want. I have asked that the subpoena be directed to me, as you can see below. McGee confirmed that GW is just a holder of information here, not a target or subject of the investigation.

So the play here is for us to be cooperative as long as possible, see what they want, and then get it to them if we have it. One thing I'd like to do is to review whatever agreement(s) or terms we would have with the individual in question to ensure that we have no self-imposed obligation to notify them of the subpoena.

Obviously I'd be happy to talk about any of this at your convenience.

Best

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

Exhibit D

---

**From:** Cabou, Jean-Jacques "J" (PHX)  
**Sent:** Tuesday, August 08, 2017 9:16 AM  
**To:** [RONAN.MCGEE@USSS.DHS.GOV](mailto:RONAN.MCGEE@USSS.DHS.GOV)  
**Cc:** Ness, Lowell D. (PAO); [mark.coleman@uss.s.dhs.gov](mailto:mark.coleman@uss.s.dhs.gov); [seth.reister@uss.s.dhs.gov](mailto:seth.reister@uss.s.dhs.gov); [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)  
**Subject:** RE: Secret Service Request

Ronan and Team,

It was a pleasure to speak with Ronan briefly just now regarding this email that was directed to my partner, Lowell Ness, who is also copied here. As I explained to Ronan, our firm represents Giga Watt and I can accept service of a subpoena by email on its behalf. Please just send that to me.

We understand that the USSS and state authorities have reason to believe Giga Watt may hold certain records relevant to your investigation. Once we get the subpoena, we will work with the client to determine what if any responsive records we have and to produce them to you in a timely and convenient way.

Please let me know if you have any questions.

We look forward to working with you.

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2784

D. [+1.602.351.8003](tel:+16023518003)

F. [+1.602.648.7003](tel:+16026487003)

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

Exhibit D

**From:** RONAN MCGEE (CID) [<mailto:RONAN.MCGEE@USSS.DHS.GOV>]  
**Sent:** Tuesday, August 08, 2017 8:19 AM  
**To:** Ness, Lowell D. (PAO) <[LNess@perkinscoie.com](mailto:LNess@perkinscoie.com)>  
**Cc:** MARK COLEMAN (LEX) <[mark.coleman@uss.s.dhs.gov](mailto:mark.coleman@uss.s.dhs.gov)>; SETH REISTER (LEX) <[seth.reister@uss.s.dhs.gov](mailto:seth.reister@uss.s.dhs.gov)>; [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)  
**Subject:** Secret Service Request

Good morning Lowell,

The U.S. Secret Service has an ongoing investigation in which a suspect's phone received a confirmation code from Cryptonomos. We believe the confirmation code to be related to the mining operations of the Cryptonomos / Giga Watt venture. We are interested in obtaining any and all information Cryptonomos / Giga Watt maintains on file for this specific phone number, particularly any bitcoin addresses.

We have attempted to contacted Cryptonomos directly multiple times, but they have thus far failed to respond to our inquiries. Our understanding is that you are the legal representative of Giga Watt.

As a result, could you please provide the appropriate Grand Jury subpoena contact information (e.g. physical address to include on the subpoena, email to which subpoena can be served, etc) for Cryptonomos / Giga Watt so that we may subpoena the information in question?

Thank you.

Ronan McGee

U.S. Secret Service – CID

Cell: 202-794-2515

All e-mail to/from this account is subject to official review and is for official use only. Action may be taken in response to any inappropriate use of the Secret Service's e-mail system. This e-mail may contain information that is privileged, law

Exhibit D



**From:** "Cabou, Jean-Jacques \"J\" (Perkins Coie)" <JCabou@perkinscoie.com>  
**Sent:** Thu, 17 Aug 2017 21:41:40 +0000  
**To:** "Timur Usmanov (tu@giga-watt.com)" <tu@giga-watt.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Subject:** FW: Secret Service Request  
**Attachments:** 2014R00389-177 GigaWatt.pdf

Tim

Attached is the subpoena I just received. We need to have a call to discuss next steps. When can you and/or your team have that call with me.

Thanks

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8003

F. +1.602.848.7003

E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

---

**From:** RONAN MCGEE (CID) [mailto:RONAN.MCGEE@USSS.DHS.GOV]  
**Sent:** Thursday, August 17, 2017 2:35 PM  
**To:** Cabou, Jean-Jacques "J" (PHX)  
**Cc:** Ness, Lowell D. (PAO); MARK COLEMAN (LEX); SETH REISTER (LEX); nathaniel.moore@ky.gov  
**Subject:** RE: Secret Service Request

J – please see subpoena in question attached. Thanks.

Ronan McGee  
U.S. Secret Service – CID  
Cell: 202-794-2515

---

**From:** RONAN MCGEE (CID)  
**Sent:** Tuesday, August 15, 2017 8:37 PM  
**To:** Cabou, Jean-Jacques J (Perkins Coie)  
**Cc:** Ness, Lowell D. (Perkins Coie); MARK COLEMAN (LEX); SETH REISTER (LEX); [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)  
**Subject:** RE: Secret Service Request

Thanks for following up. It is still being cut at the USAO.

Ronan McGee  
U.S. Secret Service - CID  
Cell: 202-794-2515

---

**From:** Cabou, Jean-Jacques J (Perkins Coie)  
**Sent:** 8/15/2017 7:48 PM

Exhibit D

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Kentucky  
**SUBPOENA TO TESTIFY BEFORE A GRAND JURY**

To: Giga Watt  
Attn: Jean-Jacques Cabou  
Perkins Coie LLP  
2901 North Central Ave., Ste. 2000  
Phoenix, AZ 85012 (jcabou@perkinscoie.com)

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

<b>Place:</b> U. S. District Court Lexington Grand Jury 101 Barr Street Grand Jury Suite, 3rd Floor Lexington, KY 40507	<b>Date and Time:</b> September 7, 2017 at 9:00am
--	---

**YOU MUST** also bring with you the following documents, electronically stored information, or objects (blank if not applicable) Please provide any and all records concerning Giga Watt / Cryptonomos users or accountholders associated with the following identifiers:

[Redacted.]

The requested records should include, but not be limited to, WTT token information, mining records, general transactional activity, and any linked bitcoin addresses or wallets.

Date: August 16, 2017

CLERK OF COURT



*Robert R. Carr*  
Robert R. Carr, Clerk  
United States District Court  
Eastern District of Kentucky

**Robert R. Carr**  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, are:

Kathryn M. Anderson  
260 West Vine Street Suite 300 Lexington, KY 40507  
(859) 233-2661  
Kathryn.Anderson@usdoj.gov

Exhibit D

**PROOF OF SERVICE**

This subpoena for *(name of individual or organization)* Giga Watt  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Exhibit D



U.S. Department of Justice  
United States Attorney  
Eastern District of Kentucky

260 West Vine Street, Suite 300  
Lexington, KY 40507-1612  
Phone 859-233-2661  
Fax 859-233-2747

207 Grandview Drive, Suite 400  
Fl. Mitchell, KY 41017-2765  
Phone 859-655-3200  
Fax 859-655-3211

601 Meyers Baker Road, Suite 200  
London, KY 40741-3035  
Phone 606-864-5523  
Fax 606-864-3590

August 16, 2017

Giga Watt  
Attn: Jean-Jacques Cabou  
Perkins Coie LLP  
2901 North Central Ave., Ste. 2000  
Phoenix, AZ 85012 (jcabou@perkinscoie.com)

**Re: Grand Jury Subpoena No. 2014R00389 - 177**

Dear Jean-Jacques Cabou:

You have been served with a subpoena issued pursuant to an investigation being conducted by the Federal Grand Jury.

We respectfully ask that you not disclose the existence of this request. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

The subpoena requires production of specified materials to be returned and presented before the Grand Jury.

Please comply with the subpoena:

- (1) By appearing personally with the materials before the Grand Jury on the date and at the place set out in the subpoena; or
- (2) By personally furnishing the materials requested to:  
Special Agent Mark Coleman,  
an agent of the United States, prior to the date specified for the Grand Jury appearance; or

Exhibit D



August 16, 2017

Page 2

- (3) By transmitting the materials in a securely sealed container by registered United States Mail or other delivery, addressee only, to the following:  
Special Agent Mark Coleman, U. S. Secret Service, 3141 Beaumont Centre Circle Suite 201, Lexington, KY 40513,

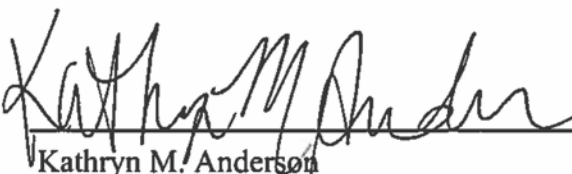
in advance of the date specified in the subpoena to assure arrival at least one day prior to that date.

***PLEASE DO NOT TRANSMIT THE MATERIALS TO THE  
UNDERSIGNED ATTORNEY OR U.S. ATTORNEY'S OFFICE.***

Whether you comply with the subpoena by appearing yourself before the Grand Jury or by delivering the materials to the agent, either personally or by mail, prior to the date specified on the Grand Jury subpoena, is a matter entirely within your discretion, but you must execute the attached Waiver of Grand Jury Appearance and return it with the records.

Sincerely,

CARLTON S. SHIER, IV  
ACTING UNITED STATES ATTORNEY

By:   
Kathryn M. Anderson  
Assistant United States Attorney

Enclosures

Exhibit D

## IN RE: GRAND JURY SUBPOENA NO.

## WAIVER OF GRAND JURY APPEARANCE

Comes the undersigned and states as follows:

1. My name is \_\_\_\_\_.
2. My position is \_\_\_\_\_ with (name of company or entity) \_\_\_\_\_,  
(Address) \_\_\_\_\_,  
(City) \_\_\_\_\_, (State) \_\_\_\_\_.
3. I am ( ) named witness ( ) custodian of records for \_\_\_\_\_.  
(business or entity subpoenaed) (check one or both, as applicable).
4. This subpoena was served on me on \_\_\_\_\_.
5. I understand that I have the right to personally appear before the Grand Jury in response to the subpoena duces tecum, and produce for the Grand Jury the records called for by the subpoena. However, I choose to waive my right to appear, testify and/or produce those records called for by the subpoena duces tecum.
6. Check one:  
( ) I agree to deliver, and to the best of my knowledge have delivered to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I agree to transmit, and to the best of my knowledge to have transmitted under seal and by registered mail to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I have conducted a diligent search and, to the best of my knowledge and belief, none of the materials called for by the subpoena are in my care, custody or control.
7. I recognize that I am under a continuing duty to turn over to the Grand Jury any and all materials described in the subpoena which hereinafter come to my attention and into my custody or control.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

Exhibit D

PAGE 2 OF 2

## RECEIPT OF EVIDENCE PRODUCED PURSUANT TO WAIVER OF APPEARANCE

8. \_\_\_\_\_, Date \_\_\_\_\_  
 (Signature of Agent receiving subpoenaed materials and waiver from witness)
9. \_\_\_\_\_, Date \_\_\_\_\_  
 (Signature of Agent making return)
10. On behalf of the Grand Jury, I hereby acknowledge return of materials subpoenaed and, by agreement of the Grand Jury, commit said materials to the custody of the agent making the said return.
- \_\_\_\_\_  
 (Foreman of the Grand Jury receiving materials)
- \_\_\_\_\_ (Date of return)

Exhibit D

D - 64

CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE  
803(6) AND 902(11)

I HEREBY CERTIFY that I, \_\_\_\_\_, am the  
Custodian of Records for \_\_\_\_\_

(NAME OF BUSINESS\*)<sup>1</sup>. I further certify that:

1. The attached record, consisting of \_\_\_\_\_ pages, is a true and correct copy / original record of \_\_\_\_\_ (NAME OF BUSINESS), hereafter "the business," which is maintained by me or under my supervision;
2. It is the regular practice of the business to make and maintain such records.
3. The records were made at or near the time of the occurrence(s) reflected thereon;
4. The records were made by a person or persons with knowledge, or from information transmitted by a person with knowledge of the matters contained thereon.
5. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.<sup>2</sup>

Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Title

<sup>1</sup>The term "business" includes business, institution, association, profession, occupation and calling of every kind, whether or not conducted for profit.

<sup>2</sup> See 28 U. S. C. § 1746.

Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Thu, 17 Aug 2017 23:13:47 +0000  
**To:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Subject:** Re: FW: Secret Service Request

Thanks,

I'm ready to talk whenever you are.

Here is my phone [REDACTED] [REDACTED]

On Thu, Aug 17, 2017 at 2:41 PM, Cabou, Jean-Jacques "J" (Perkins Coie) <JCabou@perkinscoie.com> wrote:

Tim

Attached is the subpoena I just received. We need to have a call to discuss next steps. When can you and/or your team have that call with me.

Thanks

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

PARTNER

2801 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

O: [+1.602.351.8003](tel:+16023518003)

F: [+1.602.648.7003](tel:+16026487003)

E: [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

---

**From:** RONAN MCGEE (CID) [mailto:[RONAN.MCGEE@USSS.DHS.GOV](mailto:RONAN.MCGEE@USSS.DHS.GOV)]  
**Sent:** Thursday, August 17, 2017 2:35 PM  
**To:** Cabou, Jean-Jacques "J" (PHX)  
**Cc:** Ness, Lowell D. (PAO); MARK COLEMAN (LEX); SETH REISTER (LEX); [nathaniel.moore@ky.gov](mailto:nathaniel.moore@ky.gov)  
**Subject:** RE: Secret Service Request

Exhibit D

**From:** "Cabou, Jean-Jacques \"J\" (Perkins Coie)" <JCabou@perkinscoie.com>  
**Sent:** Thu, 17 Aug 2017 23:37:47 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Subject:** RE: FW: Secret Service Request

Tim,

Good to speak with you just now. As we discussed, you and your team will conduct a diligent search for all records responsive to the subpoena and will get any such records to me for review. Once that's done, we will work with you to complete the waiver and declaration forms and we will get those to the USSS for you.

Look forward to hearing from you

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**  
PARTNER  
2901 North Central Avenue Suite 2000  
Phoenix, AZ 85012-2788  
D. +1.602.351.8003  
F. +1.602.848.7003  
E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

**From:** Timur Usmanov [mailto:tu@giga-watt.com]  
**Sent:** Thursday, August 17, 2017 4:14 PM  
**To:** Cabou, Jean-Jacques "J" (PHX)  
**Cc:** Ness, Lowell D. (PAO)  
**Subject:** Re: FW: Secret Service Request

Thanks,

I'm ready to talk whenever you are.

Here is my phone +1 310 504 4264

On Thu, Aug 17, 2017 at 2:41 PM, Cabou, Jean-Jacques "J" (Perkins Coie) <[JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)> wrote:

Tim

Attached is the subpoena I just received. We need to have a call to discuss next steps. When can you and/or your team have that call with me.

Thanks

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**  
PARTNER  
2901 North Central Avenue Suite 2000

Exhibit D

**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Tue, 22 Aug 2017 18:51:37 +0000  
**To:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>  
**Subject:** Re: Request from USSS

Hi J,

Here is the name that this guy used when creating a profile on the website.

Popescu Bogdan Stefan

On Fri, Aug 18, 2017 at 12:21 PM, Timur Usmanov <tu@giga-watt.com> wrote:  
Hi Jean-Jacques,

Please find attached detailed description of the steps the user has made on [crypronimos.com](http://crypronimos.com). It might look a bit sophisticated at first glance. So feel free to ask me any questions.

In a few words, the user's behaviour was as follows:

1. he went on our website
2. decided to create a profile with Cryptonomos.
3. Entered his phone number.
4. Received SMS confirmation code (to verify the phone number).
5. Entered his email address ([boby.popescu89@gmail.com](mailto:boby.popescu89@gmail.com))
6. Received confirmation link (email verification).
7. Clicked on that link and got redirected to the website.

After that he was just messing around. Copied our wallets address (apparently to check in on the blockchain), proceeded to the calculation stage to figure out how much he would have earned, if he had chosen to buy 10 WTT and rent the tokens out.

As you can see, the guy was on the website twice - Jul 31 and Aug 01. He hasn't made any purchases, neither has he left any traces other than I mentioned above. So basically there is not much to enclose in the envelope for the court.

Best,

Tim

----- Forwarded message -----

**From:** Anton Orlov <ao@giga-watt.com>  
**Date:** Fri, Aug 18, 2017 at 11:21 AM  
**Subject:** Request from USSS  
**To:** Timur Usmanov <tu@giga-watt.com>

Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Wed, 23 Aug 2017 18:02:04 +0000  
**To:** "Sandoval, Martha D. (Perkins Coie)" <MSandoval@perkinscoie.com>  
**Cc:** "Dave Carlson" <dave@giga-watt.com>; "Sinden Harum" <sinden@giga-watt.com>; "ek@cryptonomos.com" <ek@cryptonomos.com>; "Leonid Markin" <lm@cryptonomos.com>; "Andrey Kuzenny" <ak@giga-watt.com>  
**Subject:** Re: Intro  
**Attachments:** Minutes-GigaWatt-Officers-2.pdf, Resignation.pdf

Hi Martha,

Please find my comments below

Based on the incorporation documents provided for Giga Watt, Inc., the company was incorporated using the on-line application, which includes the very basic elements needed under the statute (neither a certificate of incorporation or existence would have been issued if the filing was faulty). Since the basic articles were filed, this means that the statutory defaults apply. These defaults do not conform with best (WA) corporate practices. For example, two statutory defaults that apply are (1) directors are elected by cumulative voting and (2) a shareholder has preemptive rights.

==I recommend that we amend and restate to reflect best practice AND also to increase the number of authorized shares. If the company expects to issue options or other equity incentives, we'll definitely need to increase the number of shares.

Totally agree with your point that we need to amend and restate the articles and increase the number of shares. Even if the company doesn't decide to implement any stock option plans, it doesn't hurt to have a larger authorized stock in case of a future equity financing.

I did not do an eyeball review of the corporate bylaws, but suspect that these also don't follow best corporate practices for a Washington corporation.

→ The copy of the bylaws provided are unsigned. Do you know if these were adopted and then signed by the corporate secretary? Generally, at the time of incorporation, there would be a shareholder action to appoint directors and then a directors resolution/consent to appoint officers, adopt the bylaws and take other organizational actions.

→ ==Are executed copies of these documents available? If none of these exist in the company's record books, then we'll start from scratch.

I haven't seen executed copies either of the bylaws, but I've got a copy of some sort of a board resolution regarding the adoption of the company's bylaws and some other actions. Please take a look at the attached minutes. Kindly advise if those can be considered valid from legal perspective.

Exhibit D



→ As for the Singapore entity, we would not have the authority to request this information from the registered agent unless and until we are introduced to the agent as company's counsel and the agent is authorized to send information to us.

==who at Giga Watt can make this introduction and authorization?

→ I'll try to find that out later on. Meanwhile, let's focus on our U.S. entities.

I have not heard of GW One LLC or about an anticipated merger with Hashplex, so definitely agree that I need to get up to speed on what's happening with the organization. Dates and times that I am currently available for a call follow (all are pacific):

- Thursday, August 24:
  - 8-9am or anytime between 12:30pm-6:30pm - what about 12:30? Will your assistant share the dial-in?

Thank you

On Tue, Aug 22, 2017 at 7:03 PM, Sandoval, Martha D. (Perkins Coie)  
<[MSandoval@perkinscoie.com](mailto:MSandoval@perkinscoie.com)> wrote:

All,

Based on the incorporation documents provided for Giga Watt, Inc., the company was incorporated using the on-line application, which includes the very basic elements needed under the statute (neither a certificate of incorporation or existence would have been issued if the filing was faulty). Since the basic articles were filed, this means that the statutory defaults apply. These defaults do not conform with best (WA) corporate practices. For example, two statutory defaults that apply are (1) directors are elected by cumulative voting and (2) a shareholder has preemptive rights.

==I recommend that we amend and restate to reflect best practice AND also to increase the number of authorized shares. If the company expects to issue options or other equity incentives, we'll definitely need to increase the number of shares.

I did not do an eyeball review of the corporate bylaws, but suspect that these also don't follow best corporate practices for a Washington corporation.

Exhibit D

**From:** "Cabou, Jean-Jacques \"J\" (Perkins Coie)" <JCabou@perkinscoie.com>  
**Sent:** Mon, 4 Sep 2017 22:30:33 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>; "Anton Orlov" <ao@giga-watt.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>  
**Subject:** RE: Request from USSS  
**Attachments:** 2014R00389-177 GigaWatt.pdf  
**Importance:** High

Guys,

This is urgent and frustrating. I have gotten no response to the below.

**Our deadline to provide documents is September 7. I MUST, WITHOUT EXCEPTION, have all documents to be produced by tomorrow. So far, I have only one file to produce. That clearly isn't enough, as explained below.**

**I also need the waiver and certification attached completed and returned to me tomorrow.** We are under court order here. We cannot miss this deadline. Please let me know what is happening.

Thank you

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**  
PARTNER  
2901 North Central Avenue Suite 2000  
Phoenix, AZ 85012-2788  
D. +1.602.351.8003  
F. +1.602.648.7003  
E. [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

---

**From:** Cabou, Jean-Jacques "J" (PHX)  
**Sent:** Friday, September 01, 2017 10:11 AM  
**To:** 'Timur Usmanov'; Anton Orlov  
**Cc:** Ness, Lowell D. (PAO)  
**Subject:** RE: Request from USSS

Guys

Tim and I spoke this morning and I think we are close to done but we still are missing documents. **ANTON: we are required to provide ALL records. At this point, all I have been given is the attached, which is part of the story. BUT, then you guys told me that his email was [boby.popescu89@gmail.com](mailto:boby.popescu89@gmail.com) and that his name is Popescu Bogdan Stefan. I was also told he created a profile. I need to be provided with copies of the files or documents that you reviewed in order to find his name and email and his profile.** We cannot just say we know them, we must provide the actual documents or native files. This is critically important. Please respond here attaching all these documents. Let me know if you have any questions

Thanks very much

J

**Jean-Jacques "J" Cabou | Perkins Coie LLP**  
PARTNER  
2901 North Central Avenue Suite 2000

Exhibit D

**From:** "Cabou, Jean-Jacques \"J\" (Perkins Coie)" <JCabou@perkinscoie.com>  
**Sent:** Tue, 5 Sep 2017 18:10:34 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>; "Anton Orlov" <ao@giga-watt.com>  
**Cc:** "Ness, Lowell D. (Perkins Coie)" <LNess@perkinscoie.com>; "Nyberg, Gina (Perkins Coie)" <GNyberg@perkinscoie.com>  
**Subject:** RE: Request from USSS

Yes. Thank you. I will look forward to getting the waiver and certification

**Jean-Jacques "J" Cabou | Perkins Coie LLP**

**PARTNER**  
2901 North Central Avenue Suite 2000  
Phoenix, AZ 85012-2788  
D: +1.602.351.8003  
F: +1.602.648.7003  
E: [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com)

**From:** Timur Usmanov [mailto:tu@giga-watt.com]  
**Sent:** Tuesday, September 05, 2017 11:04 AM  
**To:** Anton Orlov  
**Cc:** Cabou, Jean-Jacques "J" (PHX); Ness, Lowell D. (PAO)  
**Subject:** Re: Request from USSS

Jean please confirm that this is enough.

On Mon, Sep 4, 2017 at 4:00 PM, Anton Orlov <[ao@giga-watt.com](mailto:ao@giga-watt.com)> wrote:

Hi J,

The best we can get from our system is in attachment. There is no extra files or workflow to reproduce it. Once it is set it is just in the form of such a visualization on user side. And we do not hold access to private data. Thus logs are the only record of interaction process and they keep the data encoded as you can see the phone number is visualized in certain form there. Let me know if I can provide more detailed explanations if needed.

Best regards,  
Anton Orlov

On Monday, September 4, 2017, Cabou, Jean-Jacques "J" (Perkins Coie) (Perkins Coie) (Perkins Coie) (Perkins Coie) [JCabou@perkinscoie.com](mailto:JCabou@perkinscoie.com) wrote:

Guys,

This is urgent and frustrating. I have gotten no response to the below.

**Our deadline to provide documents is September 7. I MUST, WITHOUT EXCEPTION, have all documents to be produced by tomorrow. So far, I have only one file to produce. That clearly isn't enough, as explained below.**

Exhibit D



**From:** "Timur Usmanov" <tu@giga-watt.com>  
**Sent:** Tue, 5 Sep 2017 19:21:13 +0000  
**To:** "Zeev Kirsh" <zeev@cryptonomos.com>  
**Cc:** "Dave Carlson" <dave@giga-watt.com>  
**Subject:** Re: kentucky subpoena

sorry for the confusion Dave.

Actually Olesya has already retrieved all the information requested by Perkins Coie.  
You, as the CEO, just need to sign the waiver and the certification.

On Tue, Sep 5, 2017 at 11:41 AM, Zeev Kirsh <zeev@cryptonomos.com> wrote:  
dave, timur

there is a federal government DOJ request for information regarding a romanian phone  
number account associated with giga watt /cryptonomos user.

romanian phone number +4 0769442266 (0769442266 exluding the country code)  
sms confirmation code 426750\_CRYPTONOMOS

the kentucky district court is requesting the information be sent by mail to a special agent.  
Alternatively, you can have a lawyer go in person to kentucky court to discuss the matter in  
two days. I assume we are sending the information they want in the mail.

I contacted the perkins coie lawyer for giga-watt on this matter. he is out to lunch and will call  
me back.

David , I assume you are the 'record holder' and going to pull the information from this user  
account and print it and put it in an envelope and send it according the request.

David, please fill out pages 5 and 7 of the following document and get the information, print it  
and have it ready for sending it all out together as directed on the document page 4. When it  
is ready, let me know and I'll get the all clear to send.

--

Best,

Tim Usmanov

Exhibit D

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**From:** "Zeev Kirsh" <zeev@cryptonomos.com>  
**Sent:** Tue, 5 Sep 2017 19:42:36 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>  
**Cc:** "Dave Carlson" <dave@giga-watt.com>  
**Subject:** Re: kentucky subpoena  
**Attachments:** GW kentucky subpoena.pdf

i filled out the form stuff on pages 5 and 7. Dave, all you need to do is put down 2 signatures. one at the bottom of each page.

This needs to be sent out within 2 days by Perkins.  
Zeev

On Tue, Sep 5, 2017 at 12:21 PM, Timur Usmanov <tu@giga-watt.com> wrote:  
sorry for the confusion Dave.  
Actually Olesya has already retrieved all the information requested by Perkins Coie.  
You, as the CEO, just need to sign the waiver and the certification.

On Tue, Sep 5, 2017 at 11:41 AM, Zeev Kirsh <zeev@cryptonomos.com> wrote:  
dave, timur

there is a federal government DOJ request for information regarding a romanian phone number account associated with giga watt /cryptonomos user.

romanian phone number +4 0769442266 (0769442266 exluding the country code)  
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David , I assume you are the 'record holder' and going to pull the information from this user account and print it and put it in an envelope and send it according the request.  
David, please fill out pages 5 and 7 of the following document and get the information, print it and have it ready for sending it all out together as directed on the document page 4.  
When it is ready, let me know and I'll get the all clear to send.

Exhibit D

**From:** "Dave Carlson" <dave@giga-watt.com>  
**Sent:** Wed, 6 Sep 2017 02:31:48 +0000  
**To:** "Timur Usmanov" <tu@giga-watt.com>  
**Cc:** "Cabou, Jean-Jacques J (Perkins Coie)" <JCabou@perkinscoie.com>; "Zeev Kirsh" <zeev@cryptonomos.com>  
**Subject:** Re: signed dox  
**Attachments:** GW kentucky subpoena .pdf

Ok - here's the docs, signed pages 5 & 7. I may have left out a few data points as I wasn't sure which checkbox or date to indicate with regard to if/when I was served, etc.

On Tue, Sep 5, 2017 at 7:13 PM, Timur Usmanov <tu@giga-watt.com> wrote:  
Dave,

please send over scanned copies of the waiver and certification asap.  
Our colleagues from Perkins Coie need to enclose them in the envelope for the court.

Thanks

—  
Best,

Tim Usmanov



Dave Carlson, CEO  
Giga Watt, Inc.

[www.giga-watt.com](http://www.giga-watt.com)

Exhibit D

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AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

## UNITED STATES DISTRICT COURT

for the

Eastern District of Kentucky

## SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Giga Watt  
 Attn: Jean-Jacques Cabou  
 Perkins Coie LLP  
 2901 North Central Ave., Ste. 2000  
 Phoenix, AZ 85012 (jcabou@perkinscoie.com)

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U. S. District Court Lexington Grand Jury  
 101 Barr Street  
 Grand Jury Suite, 3rd Floor  
 Lexington, KY 40507

Date and Time: September 7, 2017 at 9:00am

**YOU MUST** also bring with you the following documents, electronically stored information, or objects (blank if not applicable) Please provide any and all records concerning Giga Watt / Cryptonomos users or accountholders associated with the following identifiers:

██████████ phone number + ██████████ ██████████ excluding country code)

SMS confirmation code ██████████ ██████████

The requested records should include, but not be limited to, WTT token information, mining records, general transactional activity, and any linked bitcoin addresses or wallets.

Date: August 16, 2017

CLERK OF COURT



*Robert R. Carr*  
 Robert R. Carr, Clerk  
 United States District Court  
 Eastern District of Kentucky

Robert R. Carr  
 Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, are:

Kathryn M. Anderson  
 260 West Vine Street Suite 300 Lexington, KY 40507  
 (859) 233-2661  
 Kathryn.Anderson@usdoj.gov

Exhibit D

**PROOF OF SERVICE**

This subpoena for *(name of individual or organization)* Giga Watt  
 was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Exhibit D

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**U.S. Department of Justice  
United States Attorney  
Eastern District of Kentucky**

260 West Vine Street, Suite 300  
Lexington, KY 40507-1612  
Phone 859-233-2661  
Fax 859-233-2747

207 Grandview Drive, Suite 400  
Ft. Mitchell, KY 41017-2765  
Phone 859-655-3200  
Fax 859-655-3211

601 Meyers Baker Road, Suite 200  
London, KY 40741-3035  
Phone 606-864-5523  
Fax 606-864-3590

August 16, 2017

Giga Watt  
Attn: Jean-Jacques Cabou  
Perkins Coie LLP  
2901 North Central Ave., Ste. 2000  
Phoenix, AZ 85012 (jcabou@perkinscoie.com)

**Re: Grand Jury Subpoena No. 2014R00389 - 177**

Dear Jean-Jacques Cabou:

You have been served with a subpoena issued pursuant to an investigation being conducted by the Federal Grand Jury.

We respectfully ask that you not disclose the existence of this request. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

The subpoena requires production of specified materials to be returned and presented before the Grand Jury.

Please comply with the subpoena:

- (1) By appearing personally with the materials before the Grand Jury on the date and at the place set out in the subpoena; or
- (2) By personally furnishing the materials requested to:  
Special Agent Mark Coleman,  
an agent of the United States, prior to the date specified for the Grand Jury appearance; or

Exhibit D

August 16, 2017

Page 2

- (3) By transmitting the materials in a securely sealed container by registered United States Mail or other delivery, addressee only, to the following:  
Special Agent Mark Coleman, U. S. Secret Service, 3141 Beaumont Centre Circle Suite 201, Lexington, KY 40513,

in advance of the date specified in the subpoena to assure arrival at least one day prior to that date.

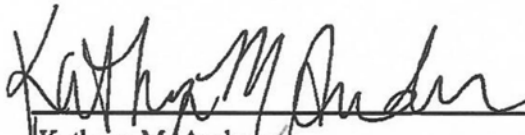
***PLEASE DO NOT TRANSMIT THE MATERIALS TO THE  
UNDERSIGNED ATTORNEY OR U.S. ATTORNEY'S OFFICE.***

Whether you comply with the subpoena by appearing yourself before the Grand Jury or by delivering the materials to the agent, either personally or by mail, prior to the date specified on the Grand Jury subpoena, is a matter entirely within your discretion, but you must execute the attached Waiver of Grand Jury Appearance and return it with the records.

Sincerely,

CARLTON S. SHIER, IV  
ACTING UNITED STATES ATTORNEY

By:



Kathryn M. Anderson  
Assistant United States Attorney

Enclosures

Exhibit D

## IN RE: GRAND JURY SUBPOENA NO.

## WAIVER OF GRAND JURY APPEARANCE

Comes the undersigned and states as follows:

1. My name is Dave Carlson.
2. My position is CEO with (name of company or entity) Giga Watt,  
(Address) 1 Campbell Parkway,  
(City) East Wenatchee, (State) WA 98802.
3. I am ( ) named witness (~~X~~ custodian of records for Giga Watt.  
(business or entity subpoenaed) (check one or both, as applicable).
4. This subpoena was served on me on \_\_\_\_\_.
5. I understand that I have the right to personally appear before the Grand Jury in response to the subpoena duces tecum, and produce for the Grand Jury the records called for by the subpoena. However, I choose to waive my right to appear, testify and/or produce those records called for by the subpoena duces tecum.
6. Check one:  
( ) I agree to deliver, and to the best of my knowledge have delivered to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I agree to transmit, and to the best of my knowledge to have transmitted under seal and by registered mail to the designated agent for the United States, all of the materials called for by the subpoena for production to the Grand Jury.  
  
( ) I have conducted a diligent search and, to the best of my knowledge and belief, none of the materials called for by the subpoena are in my care, custody or control.
7. I recognize that I am under a continuing duty to turn over to the Grand Jury any and all materials described in the subpoena which hereinafter come to my attention and into my custody or control.

DATE: 9/5/2017

Dave Carlson  
SIGNATURE

Exhibit D

PAGE 2 OF 2

RECEIPT OF EVIDENCE PRODUCED PURSUANT TO WAIVER OF APPEARANCE

8. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent receiving subpoenaed materials and waiver from witness)
9. \_\_\_\_\_, Date \_\_\_\_\_  
(Signature of Agent making return)
10. On behalf of the Grand Jury, I hereby acknowledge return of materials subpoenaed and, by agreement of the Grand Jury, commit said materials to the custody of the agent making the said return.

\_\_\_\_\_  
(Foreman of the Grand Jury receiving materials)

\_\_\_\_\_  
(Date of return)

Exhibit D



CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE  
803(6) AND 902(11)

I HEREBY CERTIFY that I, Dave Carlson, am the  
Custodian of Records for Giga Watt, Inc  
(NAME OF BUSINESS\*)<sup>1</sup>. I further certify that:

1. The attached record, consisting of \_\_\_\_\_ pages, is a true and correct copy /  
original record of \_\_\_\_\_ (NAME OF BUSINESS), hereafter "the  
business," which is maintained by me or under my supervision;
2. It is the regular practice of the business to make and maintain such records.
3. The records were made at or near the time of the occurrence(s) reflected thereon;
4. The records were made by a person or persons with knowledge, or from  
information transmitted by a person with knowledge of the matters contained thereon.
5. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is  
true and correct.<sup>2</sup>

Executed on 9/5/2017  
(Date)

Dave Carlson  
Signature

Dave Carlson  
Name (Typed or Printed)

CEB  
Title

<sup>1</sup>The term "business" includes business, institution, association, profession, occupation  
and calling of every kind, whether or not conducted for profit.

<sup>2</sup> See 28 U. S. C. § 1746.

Exhibit D